

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALBERT WEATHERS,

Plaintiff,

vs.

9:12-CV-1301
(NAM/ATB)

DAVID ROCK, *et al*,

Defendants.

APPEARANCES:

OF COUNSEL:

Albert Weathers
10-B-0094
Coxsackie Correctional Facility
Box 999
Coxsackie, NY 12051
Plaintiff Pro se

Hon. Eric T. Schneiderman
Attorney General for the Assistant Attorney General
State of New York
The Capitol
Albany, New York 12224-0341
Attorney for Defendants

Cathy Y. Sheehan, Esq.

Norman A. Mordue, U.S. District Court Judge

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter duly filed on the 23rd day of April 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The defendants' motion to dismiss (Dkt. No. 23) is granted in part and denied in part as

follows:

- a) The complaint is dismissed without prejudice as to defendant **UHLER** based on a lack of personal involvement;
- b) The complaint is dismissed with prejudice as to the plaintiff's Fourth Cause of Action against defendant **FORBES**;
- c) The complaint is dismissed without prejudice as against **ALL DEFENDANTS** as to plaintiff's claim that he was entitled to attend the Seder meal with other inmates;

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate

Judge assigned to this case.

IT IS SO ORDERED.

Dated: May 16, 2013
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge